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Alan Kunz

09/13/2004 01:49 PM  
PDT

To: Mitzi Thornley/YOSE/NPS@NPS

cc:

Subject: Revised Merced River Plan/SEIS (scoping)

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SEP 16 2004  
RMR-S-114  
YOSEMITE NATIONAL PARK

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----- Forwarded by Alan Kunz/YOSE/NPS on 09/13/2004 01:52 PM -----



To: yose\_planning@nps.gov

cc:

Subject: Revised Merced River Plan/SEIS (scoping)

10 September 2004

Superintendent, Yosemite National Park  
Attn: Revised Merced River Plan/SEIS (scoping)  
P.O. Box 577  
Yosemite, CA 95389

Fax: 209/379-1294

This is being emailed to: yose\_planning@nps.gov

Sir:

The following comments are submitted on behalf of the Sierra Club. Thank you for this opportunity to make suggestions which may lead to improvements in protection of the visitor experience and of the natural resources, especially in the Merced River corridor and its environs.

We also thank you for having extended the comment period for this scoping process. This has enabled us to assemble more detailed comments than otherwise would have been possible.

The following material is presented in two parts. There is material in each part that is not contained in the other part, and I hope that you can forgive the repetition which might carry over from one part to the next.

I regret that I have not had time to revise this material into a more marvelous presentation. But we are a committee, and you know that a camel is a horse designed by a committee. We hope you can focus on content rather than presentation.

#### OVERVIEW

We are concerned that you may be going at this process from an unduly narrowly focused perspective. You have made it clear that you intend to do only what the Court is requiring you to do, and you present a rather lengthy list of all the things that you do not intend to "revisit".



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Written comments of

Scoping for the revised Merced River Comprehensive Management Plan  
September 5, 2004

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## Section I

Recently Doug Eury, Superintendent of Nez Perce National Historical Park, observed about his park, "If we don't have partnerships, we don't have a park. Increasingly partnerships are becoming an effective means for the National Park Service to both fulfill parts of our mission and foster a shared sense of stewardship that is so crucial for the future. We face two pressing realities.

"Given current budget constraints, we are coming up short on enough funds and staff to keep up with accomplishing our core mission work at many levels. This gap necessitates a re-thinking of how we can best get the job done. Our role needs to shift from trying to do everything ourselves to one of empowering and working with others through partnerships to help us do more while always ensuring that the results meet the high standards we hold for our parks and programs.

"The second reality is that our partners develop an appreciation for and a sense of commitment to our mission, values, resources and people. Partnerships are a sound investment for both the near and long term. We need to invest wisely. Good partnering is both a skill and an art. Looking around the National Park Service today there are many partnerships underway. We have brilliant partnership successes that inspire and some that need work. We are doing a lot, but we need to do much more."

These lines (above) are excerpts from the National Park web site at [www.nps.gov/partnerships](http://www.nps.gov/partnerships).

## Section II

Now, more than ever, our National Parks need partnerships. It is evident in the "Four C's" espoused by Secretary of the Interior Norton and it is evident in the establishment of the National Park Service Partnership Council. It is evident in the growing maintenance/resource protection backlog and it is evident in the declining budget appropriations from our Congress. It is evident in the mounting litigation, public protest and bickering among those who love these special places. Now more than ever we need communication, consultation, and cooperation, in the service of conservation.

Addressing the need in Yosemite to develop a carrying capacity for the Merced Wild and Scenic River corridor and re-alignment of the boundaries at El Portal with subsequent adjustments to the 1980 General Management Plan *can* be business as usual meeting all the obligations of current National Park Planning processes or . . . something along the lines of "Partnership." I advocate "Partnership"—communication, consultation, and cooperation at the planning table.

How does it work? The closest example I can offer is the Algonquin Provincial Park Management Plan from Canada. After attempting to craft a plan on their own and having met much resistance, the government decided to become the *facilitator* of the planning process rather than creator, defender, and subsequent target. While I'm sure the process was not perfect there were two distinctly unique features that are missing from our National Park planning process. One was that a partnership of stakeholders was invited to the planning table from the beginning. Second was that the plan had a periodic

review process built in, thus creating a plan that was not considered final, but flexible, with changing demographics and landscape. A copy of this plan is available for \$9.95, plus shipping, on the official Algonquin Park web site by clicking "bookstore."

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### Section III

My primary concern during this scoping process is that the National Park Service take this opportunity at Yosemite to strengthen their resolve to develop effective partnerships and to continue the work of Superintendent Tollefson to that end by bringing stakeholders to the table as a part of this planning process. This will certainly set the standard for more sincere involvement, greater awareness, a stronger call to action, and increased stewardship for everyone who loves our National Parks.

My next greatest concern is that the baseline scientific studies to determine user capacity of the Merced River in Yosemite as directed by the 9<sup>th</sup> Circuit Court be complete and precise. The example of measuring root exposure of trees adjacent to the river used in the open house presentation does not seem precise or scientific in nature. Erosion by the river itself during high water would render this method inaccurate for user capacity. It seems that inventory of current conditions and health of existing species of indigenous flora and fauna, soils and air would be a start. Let me say that I am not a scientist and refer back to Section II of this paper. All affected parties, including environmental scientists should be a part of this planning process.

### Section IV

Visitor experience is my next concern. With protection of the resources that visitors come to Yosemite to experience as the first order of business, and determination of how much "visiting" the resources can experience and still survive, I am concerned that the process of defining "visitor experience" not be dictated by other factors. It is important to recognize that Yosemite is but one of the "experiences" that people have the choice to expose themselves to in life. We need to avoid the temptation to make it the all-inclusive experience for everyone based on economic pressures. Yosemite is not Disneyland, Niagara Falls, the Empire State Building or Queen Mary II. It has outstandingly remarkable values that need to be the focus of defining the visitor experience. Camping, hiking and rock climbing are a few of the visitor experience ORV's for Yosemite. Defining the visitor experience should examine "needs" as opposed to "wants." Economic impacts to the Park's concessionaire and the loss of revenues directly to the Park from gate receipts need to be put in proper perspective. Let me say that I am not an expert on National Park Service concessionaire agreements or the economics of gate fees and their impact on gateway communities and the Park Service budget. I refer back to Section II. All affected parties, including the concessionaire, gateway community business managers, Park Service fiscal managers, congressional members involved in the Fee Demonstration Program, campers, rock climbers and hikers should be a part of this planning process.

### Conclusion

Any plan for Yosemite that involves as many affected groups as possible in it's development, including plan alternatives, and *then* run through the public hearing process

is more likely to succeed and avoid the protests and litigation characteristic of current planning methods. Through effective communication (dialog), consultation (understanding of each group's concerns), and cooperation (needs not wants), the conservation of our resources, such as Yosemite, can be achieved.

Respectfully submitted,

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Pg 3 of 3

**Oakhurst, CA.**



# Yosemite National Park

National Park Service  
U.S. Department of the Interior



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## Public Comment Form

SEP 16 2004  
RMR-S-132  
YOSEMITE NATIONAL PARK

All interested individuals, organizations, and agencies are invited to provide written comments or suggestions during public review of any project. Please submit written comments to: **Superintendent, Yosemite National Park, P. O. Box 577, Yosemite, CA 95389 (Attn: <Name of Project>).** Written comments may also be faxed to: (209) 379-1294. Electronic comments may be transmitted to: [yose\\_planning@nps.gov](mailto:yose_planning@nps.gov) (in the subject line type: <Name of Project>).

Note: Anonymous comments will not be considered. If you do not want your name or/and address to be subject to public disclosure, please state that at the beginning of your comments. Such requests will be honored to the extent allowable by law. Generally, National Park Service will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses.

Project Name: REVISED MERCED RIVER PLAN  
(Please use a separate form or sheet of paper for each project you are commenting on)

Name: \_\_\_\_\_ Date of Comment: 18 August 2004

Address: El Portal, CA

### COMMENTS

- Corridor of protection needs to be wider - specifically in El Portal area. I highly suggest the same.
- There needs to be affordable and reasonable public transportation for El Portal residents AND tourists staying in El Portal into the park. Constant traffic on the El Portal Road and Hwy 140 along the river is a major impact on air and water quality in the Merced River.
- I highly suggest the boundaries be expanded to the maximum allowable area under the Wild and Scenic Rivers Act.
- In my opinion, one of the outstandingly remarkable values that needs to be considered is the amazing

(Continue comments on back of page)



~~beautiful~~ beauty of the river valley; the hanging gardens & ferns and other plants, the river corridor with blooming red bud, the stark cliffs surrounding green trees and several waterfalls as well as the river course itself all in the El Portal area.

I've enjoyed swimming 100's of times in this river. It has many beautiful swimming holes and places to run the rapids. Not very many rivers exist in California that contain clean, safe water in which to swim and play.

THIS river is VERY important to me and I will continue to work towards providing it with the protection and recognition it deserves.

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Thank you for your time  
and consideration.

Sincerely,

9/9/04 RECEIVED

Sir

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 The Merced River Plan <sup>pg 1</sup>

requires the process to recognize user capacity of the River corridor. I believe the V.E.R.P. approach fails to acknowledge actual numbers of people accessible to the River at any particular time (i.e; hours, days, week etc.). Some of the indicators V.E.R.P. ought to recognize are the



impact on vegetation. Where  
vegetation exists at one point  
in time but later becomes  
a soils exposed pathway,  
due to over use of resource.  
An example of this over  
use are those areas which  
are presently under 'restoration'  
along the River.

Thanks

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Mariposa, Ca



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Alan Kunz

09/14/2004 03:06 PM  
PDT

To: Mitzi Thornley/YOSE/NPS@NPS

cc:

Subject: How do I use Yosemite

----- Forwarded by Alan Kunz/YOSE/NPS on 09/14/2004 03:09 PM -----



To: <yose\_planning@nps.gov>

cc:

Subject: How do I use Yosemite

08/23/2004 07:06 AM  
MST

1. While growing up, we lived near Fresno. We often took day trips to Yosemite to picnic and see the big trees. Also, we were poor so it would have been difficult to have sleeping bags and tents and all of that type of paraphernalia.
2. As an adult, for about a decade, some college friends and I camped in the valley at Yosemite over Thanksgiving weekend. We hiked and sat around the campfire. On one memorable trip, we hiked from breakfast till after dark (way after dark) around the valley and arrived back at Curry Village extremely tired and probably a little hypothermic because of the cold and heavy fog. We managed to get a cabin with a heater and private bath and we spent some time taking boiling hot showers and eating like pigs to get some energy back.
3. Just this year I went to Hetch Hetchy for the first time, and also spent more time in the Tuolumne Meadows area. You can read more about that at my web site [cgbikes.com](http://cgbikes.com) under the Training Journal and my blog. On of the two trips was magical!! Well, they're all magical, but this one was supremely, life alteringly, magical.

I'm an impulsive kind of person so I'm apt to just pack up the car and go. Although disgraceful, it is handy to have shopping opportunities at Yosemite so that I can get the various items I forget, like food and water. I really think that if you limit cars and other types of support items, you're going to endanger stupid people, or keep them out of the park altogether. Schlepping kids and old people and others with health needs requires a lot of planning and lists and what not. If you get it wrong, or something happens and you have to wait in the boiling hot sun or the freezing rain for an hour for a bus it could be bad. Sure, I'd love to see Yosemite with just myself in it, but so does everyone else. By sacrificing the valley (so to speak) the rest of the park is that much more beautiful.

I think you'll do better with reducing congestion and making the park more natural if you just make it more fun and attractive to take public transportation around. If you're making more cool opportunities, that's a lot better than a rigid, smug, Calvinistic approach to "wilderness uber alles." Put some easy bike loop paths in with support services. Raise the price in the high season and drop it in the quieter times. Have horse carriages drive people around. Install a tram line. Do more ranger led hikes to get people used to how easy it is to hike for a couple of hours. Don't just show pictures of fit, young people hiking. Give people a coupon at a snack bar to attend lectures on anti-littering, LNT camping, and other "good" things. Make the busses really cool looking (have a great artist design them) and adaptable for the seasons (completely open in good weather). Run them often, at least every half hour and make sure that the schedules and routes are posted and clear to everyone. Have smaller, lower down busses so even the weak can climb the steps. Have them take alternate routes on access and fire roads. If busses could take people to more remote trailheads some pressure might come off closer, easier trails. Of course, that's going to ruin it for some, but it might make it better for others.

Thanks for the opportunity to comment!

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Alan Kunz

09/13/2004 01:52 PM  
PDT

To: Mitzi Thornley/YOSE/NPS@NPS

cc:  
Subject: Scoping Comments

----- Forwarded by Alan Kunz/YOSE/NPS on 09/13/2004 01:55 PM -----



To: yose\_planning@nps.gov

cc:  
Subject: Scoping Comments

09/11/2004 02:54 AM  
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(See attached file: Merced River Plan - Revised SEIS-Scoping Comments - SEP



9, 2004.doc) Merced River Plan - Revised SEIS-Scoping Comments - SEP 9,



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Michael Tollefson  
Superintendent  
Yosemite National Park – Revised Merced River Plan/SEIS  
PO Box 577  
Yosemite, CA 95389

FAX 209 379 1294  
yose\_planning@nps.gov

Mr. Tollefson:

Thank you for this opportunity to offer public scoping comments on the Revised Merced River Plan/SEIS, which the National Park Service (NPS) is undertaking as ordered by the Ninth Circuit Court of Appeals. I sincerely hope the National Park Service will make a stronger effort to develop a real plan, based on science, to restore and protect the Merced River – a plan with specific goals and objectives, and quantifiable means for measuring the success and failure of restoration and protection activities. In four and a half years since the public first weighed in on Merced River restoration issues, NPS has demonstrated sheer zealotry for developing and commercializing Yosemite Valley by writing new development plans, signing contracts, and arranging for contractors to vastly expand the development footprint along the Merced. Future development and commercialization, if realized through the Yosemite Valley Plan, Curry Village Plan and Yosemite Lodge Plan – all of which use the Merced River Plan as their foundation – will significantly contribute to the overall degradation of the Merced River, and the visitor experience.

**Personal experience and enjoyment of the Merced River and South Fork in Wawona**

As a photographer and a person who loves to be in Yosemite and outdoors, I have walked along sections of the Merced River, as well as the South Fork of the Merced in Wawona. Typically, my experience has been that it is naturally quiet with the sound of water rushing over rocks, and birds singing. In terms of sounds, occasionally there are hikers talking, or children playing. I've seen wildlife along the river, historical signs of Native Americans' use of rocks for grinding and, on occasion, a fish or two. I've come across individuals and families who were hiking, photographing, camping, enjoying picnics, playing Frisbee, reading, meditating, exercising, swimming, and sunning themselves on large rocks. Based on my experiences, visitors appear to thoroughly enjoy these diverse recreational opportunities that can be found along the river.

In Yosemite Valley, I've also seen rafts of rowdy, noisy visitors floating down the placid Merced River, shouting to each other the entire time. On some sections of the River that are close to the road, the sound of diesel buses overrides the natural sounds of the river. Further, because numerous diesel buses pass by the river, they pollute the air— with particulates and diesel fumes, especially those buses with poor emission controls. Cars tend to be more quiet, less visible, less polluting and less intrusive overall.

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The Merced River Plan, with the subsequent plans that tier from it – specifically the Yosemite Falls Plan, Yosemite Valley Plan, the Curry Village Plan, the Yosemite Lodge Plan, and the Utilities Plan – will adversely affect the quality of enjoyment that will occur on the Merced River, and the South Fork of the Merced, for years to come. These plans will introduce an unprecedented level of continuous construction, demolition, new development, commercialism, infrastructure, and mass transit. These development plans use the Merced River Plan as the foundation for these projects. The Merced River Plan is fundamentally flawed because it is not a restoration plan. Rather, it is a thinly veiled deception for massive commercialization of Yosemite, and it will have major, long-term, adverse impacts on the Merced River. The current Merced River Plan will cause permanent degradation and irreparable harm to the Merced River and local environment.

### **NPS Announcement of Public Scoping & Limitations Placed on Public**

1. My comments begin with the issues stemming from the NPS announcement of public scoping. First, the original 21-day comment period, and 13-day extension, was too short to allow public participation in scoping or the hearings. The NPS letter that announced public scoping was dated August 5th, and received by mail on August 10th and August 11th in Los Angeles (I received two letters to different addresses). This announcement put the public on notice that beginning August 16th, there would be three public meetings – to be held all in the same week – and all in Northern California locations – for people to personally meet with park staff, provide testimony, and participate in the public hearing. There should have been at least one or two announcements that scoping would occur on the revised River Plan, prior to the beginning of comment period. Further, there should have been at least three dates and locations for Los Angeles, Orange County, San Diego areas so the public could attend. The public was not given adequate notice to enable people to request time off from work, and travel this distance to participate. This is inexcusable. At minimum, it is a five-hour drive from mid-Los Angeles to Mariposa, and a seven-hour drive from San Diego. To limit public hearings to two tiny towns and one city is indicative of NPS's attempt to severely limit discussion. NPS is usurping their responsibilities to the public if they proceed without further extensions and greater public access.

**Solution:** Extend public scoping for 90 days, and offer people from Bakersfield, San Francisco, San Diego, Los Angeles, and Orange County the same opportunities to participate as NPS offered people in Mariposa, El Portal, and Oakland.

2. Secondly, the same NPS public scoping announcement letter specifically steers the public to address only those issues which NPS deems required for revision by the Ninth Circuit Court of Appeals, claiming that "the Court's decision upheld all other elements of the plan, including boundaries for other segments of the river; classification for all river segments; Outstandingly Remarkable Values (in all segments, except El Portal); the River Protection Overlay; the Section 7 determination process; and the plan's management zoning program. NPS is improperly trying to limit the scope of scoping comments by stating in their scoping period announcement that they will not revisit River Plan management elements other than user capacity and El Portal District boundaries.



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The Appeals Court ruled, "While we remanded to 'the district court to enter an appropriate order requiring the [National Park Service] to remedy these deficiencies [user capacity and El Portal area boundaries] in the CMP [Merced River Plan] in a timely manner,' id. At 803, we did not 'otherwise uphold the [CMP].'"

Given that the Court's order requires NPS to "address user capacities in the Merced River corridor," it is unthinkable that the Court would extricate and define these significant issues as separate from, and unrelated to, user capacity along the Merced River, and South Fork of the Merced River. NPS has deliberately directed public input away from these significant issues, with the resulting effect that it might appear to the Court that the public is not concerned about them. Not true. Public concerns, if allowed to address these issues, would warrant an overhaul of the River Plan, and not smaller revisions.

The current River Plan was deemed invalid by the Court because – clearly – it does not restore, protect or enhance the ORVs of the Merced River. It does not meet the basic requirements of the Wild & Scenic Rivers Act. In fact, it lays the framework for extensive construction and development as demonstrated by the Yosemite Valley Plan, Curry Village Plan, and Yosemite Lodge Plan. Each of the following elements: the plan's management zoning program, the Outstandingly Remarkable Values, the River Protection Overlay, classifications and boundaries for all segments of the river will affect how NPS determines which data is collected, how it is collected, and to what degree the river will be restored and protected. NPS cannot separate these issues from user capacity. They are inextricably linked, and dependent each upon the other.

**Solution:** Public scoping should be reopened for 90 days, and the public should be given the chance to address all elements related to user capacity, for protecting and enhancing ORVs for the Merced River. Further, the Park Service's determination on user capacity and boundaries in El Portal cannot be made in isolation and then inserted into the old Merced River Plan. Rather, decisions about user capacity and boundaries must be integrated into a new or revised Comprehensive Management Plan for the Merced River, and considered in combination with other management elements especially those found in other Plans, which must be revised to protect and enhance ORVs.

NPS needs to begin the process of collecting data that they said, four years ago, they would need five years to collect and assess. Based on that timetable, their work should be almost complete by now, and it is not. The capacity of an area to sustain visitor use is directly linked to the ways the resource will be used. Visitor use and capacity for multiple uses must be anticipated and identified. Potential impacts must be analyzed before mitigation efforts at protecting and enhancing ORVs will be successful. NPS must determine how the public can use areas along the Merced River, how much capacity these areas can sustain, and how different levels of use and capacity can result in potentially degrading impacts – which needs to occur before mitigation measures can be recommended and implemented.

3. Third, it appears that only those people who participated in the original scoping and public comment periods received this NPS announcement that the River Plan would be revised. However, through the concessionaire alone, NPS has an extensive database of campers and hotel lodgers who should have received this notice. Further, most people have no River Plan documentation to base their scoping comments on. This is significant because the subsequent Valley Plan, Curry Village Plan, and Yosemite Lodge Plan are all based on, and linked to, the original River Plan. NPS does not want those plans to be affected by changes in the River Plan. Therefore, since NPS provided no River Plan documentation, the public has nothing to base their comments on, and even less will have to be changed.

**Solution:** NPS should open the door for the public participation by using mailing lists from their existing databases, and not limit participation to those people who provided comments on the River Plan or other plans. The River Plan will forever change Yosemite Valley. People should have a chance to weigh in on these changes before they occur. NPS should make this information available in a synopsis that explains the issues for easy public understanding, and direct the public to view additional information on their web site. The web site should not be the only route for public access to information. Rather it should be available in printed material, or by CD Rom, with a postcard for requesting this material.

4. Fourth, the technique of splitting each letter from an individual into numerous separate comments, then counting the comments in bulk, should stop. NPS has portrayed the larger figure of bulk comments to the public as if they were individual letters. When NPS states that they have received over 10,000 comments, the public is duped into thinking that over 10,000 people actually participated, when in fact, it may have been only a few hundred people at most. This is deceptive.

**Solution:** NPS should only count letters from unique individuals, and use that figure in their press releases. If NPS gets a poor response from the public – as in a low number of letters – it will be clear to NPS and the Courts that the Park Service's lax effort to garner minimal public comments was successful.

### **Merced River Plan lays the foundation for commercial development of Yosemite**

The original Merced River Plan was a Trojan horse. Presented to the public as a benign restoration plan with potential solutions to complex issues, the Merced River Plan was embedded with a proliferation of zoning and land use sanctions that violated the purpose and intent of a comprehensive river management plan as required by the 1968 Wild and Scenic Rivers Act. Though it was publicly offered as a plan to protect the river, the National Park Service vested themselves through the MRP with newly created power and authority to implement broad and far-reaching commercial development goals that would not have gained public acceptance or approval on a national scale, had these plans been factually presented.



Expertly hidden within this original MRP were broad-brush zoning alternatives that NPS used to authorize future changes in Yosemite National Park that were not supported by the 1980 General Management Plan (GMP). Written in vague generalities, the MRP's five alternatives vacillated between numerous options without any specifics. The public was unable to effectively engage in the public comment process because the scientific studies and analyses were missing, and potential actions and related consequences could not be determined or understood based on the information provided. The original MRP presented alternative actions and potential consequences without clarity, or the ability to be quantified. The Executive Summary states that,

"...because the Merced River Plan derives its authority from the Wild and Scenic Rivers Act, it does not tier off the GMP; instead it provides the same level of guidance and direction as does the GMP. Specific actions will be determined in future implementation plans, such as the upcoming Yosemite Valley Plan, and will need to be consistent with the guidance set by both the GMP and the Merced River Plan."

This statement deceived the public, because the MRP was elevated to the same level of authority as the GMP. The MRP amended the 1980 GMP in ways that would not have been allowed otherwise. Given the breadth and scope of the Merced River Plan's authority and powers, more public input should have been sought by the NPS from across the United States as occurred with the 1980 General Management Plan.

### **The Priority of the Wild & Scenic Rivers Act in establishing the Merced River Plan**

A river is designated Wild and Scenic based on specific outstanding values which are known as the Outstandingly Remarkable Values (ORVs). The Wild and Scenic Rivers Act (WSRA) requires protection and enhancement of these identified values of the River for which it was designated Wild and Scenic. It does NOT allow for uses that will degrade ORVs. WSRA places primary emphasis on protecting the river's esthetic, scenic, historic, archaeological, and scientific features.

### **Revise the Merced River Plan based on Outstandingly Remarkable Values**

NPS should base the Merced River Plan on the Outstandingly Remarkable Values of the Merced River. The direction of activities in this plan must be based on protecting and enhancing the Outstandingly Remarkable Values (ORVs) of the Merced River, and the South Fork of the Merced. NPS should begin the planning process by identifying where each ORV occurs (e.g., not merely where an animal lives or nests, but its range and the plants it eats, noting where and what type of other animals share the same or nearby habitats, river processes, seasonal changes, and other elements upon which the animal relies and interacts), where the ORVs overlap, as well as the cumulative benefits from the overlapping ORVs, and the effect these ORVs have on the River, backwaters, tributaries, other animals, birds, fish, their life spans and natural activities, plants, and the overall environment along the Merced River.

Additionally, NPS should measure the quantity and degree of adverse impacts to the Merced River, the backwaters and tributaries, animals, birds, fish, plants and their overall degradation caused by human and machine noises, proximity to roads and

utilities, bus stops, lodging, bright lights and illumination of the sky and forest (especially as many animals and birds rely on darkness for safety or hunting). NPS should build the plan using a science-based platform, with measurable goals and objectives.

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### **Outstandingly Remarkable Values - Natural "Quiet" and Clean Air Were Omitted**

NPS removed natural "quiet" as an ORV, because it was not possible to control airplane flight patterns and other types of noises. Additionally, even though it is not possible to manage air quality from neighboring cities, NPS used this as a reason to omit clean air as an Outstandingly Remarkable Value in the Merced River Plan. However, visitors come from all over the world to breathe Yosemite's air and enjoy natural quiet, because it is part of their visitor experience of being in the great outdoors, and being one with nature. Visitors do not expect to see, smell and hear continuous fleets of diesel-belching buses operating throughout Yosemite Valley, especially along the Merced River, which in my experience has been typically quiet. Further, they do not expect to see, smell and hear the operation of heavy construction machinery to be used for numerous development projects outlined in the Yosemite Valley Plan, Curry Village Plan or the Yosemite Lodge Plan.

NPS's deliberate removal of these two Outstandingly Remarkable Values was used to create a new opportunity for non-stop construction of new park facilities including upscale lodging, bridge removals, expansion and re-routing of underground utilities, road widening, parking facilities, a new visitor center with a 22-bay bus-transit station, and numerous paved bus-staging areas throughout the Valley. Additionally, by removing clean air and natural quiet from the list of existing ORVs, NPS has taken license to exploit and expand their mass transit plans using diesel buses in the Park.

**Solution:** Clean air and natural quiet are Outstandingly Remarkable Values that must be added back to the Merced River's ORVs to be protected and enhanced. Even though existing air quality and natural quiet have been impacted, this does not justify NPS plans to degrade these elements further through projects found in the Yosemite Valley Plan, Curry Village Plan, Yosemite Lodge Plan or the Utilities Plan. NPS does not have the right to eliminate these two important ORVs for the purpose of exploiting the newfound loopholes. Visitors expect NPS to protect and enhance these specific two ORVs. It's time for NPS to clean up their act and Yosemite's natural resources.

Campgrounds can withstand flooding with no permanent damage. During heavy rainfalls or snowmelt, campgrounds can be, and have been, vacated easily within an hour or less, with no loss of life. Therefore, these campsites should be replaced in the Valley to meet the requirements of the GMP.

### **Inter-relationship of User Capacity to "Zoning" and other Management Elements**

The Section 7 determination process, as presented in the old Merced River Plan, is critical to upholding a protective user capacity. Other management methods would be more appropriate and protective than the River Protection Overlay and the "zoning program" for land use as found in the invalid River Plan. The "River Protection Overlay"

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is deceptive because it does little, if anything, to protect the Merced River. Instead, it creates a permissive framework for massive demolition, construction, and significantly expanded development of infrastructure, visitor and staffing facilities, maintenance and storage areas, including mass transit staging areas, maintenance and storage facilities (such as in Wawona at the South Fork of the Merced) which all fall under the ruse of Administrative uses. The National Park Service is using a "3C" classification to permit the highest level of development to occur in places along the Merced River, and the South Fork. This is outside WSRA guidelines, and it is unacceptable.

**Solution:** NPS needs to revise their all planned projects that are currently planned next to the River, and move them out of the full quarter mile of the Wild and Scenic corridor that WSRA requires must be protected along the Merced River, and South Fork of the Merced River.

The "zoning" management tool equates to land-use zoning for future development and uses – for which public comment will not be required – and it needs to be thrown out. It is not based on the Merced River's ORVs, it is not based on facts or science, and it is not protective of ORVs.

**Solution:** NPS should re-write the Merced River Plan to remove the development framework, land-use zoning, and the deceptive River Protection Overlay, and start fresh with some real efforts to protect and enhance the ORVs of the Merced River and the South Fork of the Merced. These efforts must center on identifying the baseline of the River's ORVs beyond which none of these values can be allowed to be degraded with respect to user capacity. The revised Merced River Plan should show specifically for each river value how, where, and by what means each value (ORV) will be protected and enhanced.

**Solution:** Further, it will be helpful to the public if NPS provided information about the current condition of the Outstandingly Remarkable Values of the River, the potential impacts from various visitor uses, the impacts of partial and total user capacity that the River could sustain before degradation occurs, what NPS is doing to mitigate potential degradation, and what visitors can do to assist NPS in their efforts to protect and enhance the ORVs. As a member of the public, I would take an active role in monitoring and protecting these public values.

### **NPS removed Campgrounds to falsely claim this River Plan is a Restoration Plan**

After the 1997 floods, NPS closed 40% of campsites in Yosemite Valley. Then, with the Yosemite Valley Plan, NPS began a massive planning effort to spend a minimum of \$441,000,000 for new construction, pavement, infrastructure and development projects to include upscale visitor lodging, and increased administrative and employee support facilities in Yosemite Valley, with six percent of these funds set aside for "restoration."

However, since 1997 more lodging has been built in gateway communities outside the Park's boundaries which negates the need for an increase in visitor facilities within the park, and the resulting increase of employee and administrative services required to support expanded visitor facilities. NPS is using the Merced River Plan as the foundation for other Plans that will develop and commercialize Yosemite Valley. While



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NPS removed campgrounds, and called it restoration, they are planning to build upscale lodging units in Yosemite Valley at taxpayer expense. Restoration should not occur at the expense of the poorest of visitors, many of whom cannot afford lush upscale accommodations at the Ahwahnee or Yosemite Lodge. This is not equitable. Camping is an important opportunity for social interaction in Yosemite. Lodging separates people both physically from social interactions, and it stratifies them economically. Visitors of modest means should be able to camp in Yosemite Valley, and their access should not be curtailed to make room for wealthier patrons to have new choices of luxury accommodations that will be built and renovated at taxpayers' expense. Our tax dollars are being used by NPS to build and renovate luxury accommodations, with the result being a major, long-term, beneficial impact to the concessionaire's profits. Our tax dollars are being used to subsidize and expand the opportunities for the concessionaire to profit hugely from visitors. The concessionaire is a private, for-profit corporation with a monopoly on most visitor services in Yosemite, and this is a misuse of taxpayer dollars, and an abuse of public trust.

**Solution:** Camping in Yosemite Valley directly connects visitors with the natural values for which Yosemite National Park was established. Upscale, resort-style lodging currently exists outside the Park (examples: Erna's Elderberry Inn, and the concessionaire-owned Tenaya Lodge), and it can be built outside the Park if market conditions exist to attract private enterprise. Upscale resort lodging is not an appropriate use of our taxpayer funds or our national treasure. NPS should replace campgrounds, scale back visitor facilities, reduce unnecessary administrative and employee facilities, and reduce the overall development footprint in Yosemite Valley. The concessionaire has a right to make a profit, but they can use their own dollars to improve the facilities they operate within the park, and profit from. Based on what the concessionaire charges for overnight accommodations, it points strongly to a healthy profit-taking ability. Further, if this same concessionaire were doing poorly, then they would not be vigorously collecting multiple contracts for concessions at other National Parks. This begs the question of why our tax dollars are being used to enhance the concessionaire's bottom line in the first place.

#### **NPS must revise all Plans that tier off the Revised Merced River Plan**

After the Merced River Plan was approved by NPS, they followed-up in rapid succession with the Yosemite Valley Plan, the Curry Village Plan, the Utilities Plan, and the Yosemite Lodge Plan. Each of these plans will require revision after the Merced River Plan revisions have occurred, especially as each of these plans entails significant new development and construction activities that are currently scheduled to occur in the Merced River corridor, and South Fork corridor, that WSRA requires to be protected.

**Solution:** Construction, development and demolition activities scheduled for these areas should be removed, and redesigned elsewhere, provided a true need exists for these facilities in the first place. NPS is creating new visitor needs by refining the visitor experience to resort-style facilities and activities, and this should stop immediately.

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YOSEMITE NATIONAL PARK**Amend the Concession Services Plan based on the Revised River Plan**

The Concession Services Plan (CSP) was approved by NPS five years after the Merced River was designated a Wild and Scenic River. However, in 1992, there was no valid legally mandated Comprehensive Plan for the Merced River. Therefore, the Concession Service Plan, along with the General Management Plan which it amended, must be changed to specifically ensure protection and enhancement of the ORVs of the Merced River, and the South Fork of the Merced in Wawona. Pg 10

While the River Plan is a 20-year plan, the CSP will be up for renewal and change in 2007. NPS should not use the River Plan to lock-in the current concession plan with its myriad of unnecessary concession amenities which the current "zoning" land-use tools provide for.

**Solution:** The CSP must be revised and concessionaire activities must adhere to meeting the WSRA protections for the Merced River, and the South Fork of the Merced. Specifically, the number of hotel units and concession eating areas may need to be reduced. The Merced High Sierra Camp, which is in designated wilderness, may need to be replaced with a lower impact campground due to various impacts such as the ongoing serious bacterial water contamination in the Merced River from horse and stock feces. The concessionaire raft rental operations should be discontinued due to the high adverse impact to the River environment of multiple rafts entering the river at the same point, and the impact of concessionaire diesel trucks picking up rafts in places that would otherwise be a quiet experience, such as Sentinel Beach.

**Revise the River Plan and offer the public a full range of alternatives for protecting and enhancing ORVs.**

A full range of alternatives must be presented to the public which REVISE the River Plan IN COMPLIANCE WITH THE ORDER FROM THE COURT to PROTECT AND ENHANCE THE MERCED RIVER'S OUTSTANDINGLY REMARKABLE VALUES.

Outstandingly Remarkable Values of the Merced River in Yosemite run along 81 miles of the Main Stem, from the high Sierra through Yosemite Valley, down the Merced River Gorge, and through the El Portal Administrative District; and the South Fork which runs from the high Sierra in Yosemite, and out through Wawona.

In defining ORVs: biologic, scenic, geologic, scientific, cultural/archeological, recreation, hydrologic processes, the National Park Service has stated that by being more general in their descriptions of the ORVs they can better protect the ORVs. On the contrary, in the River Plan, NPS needs to be transparent and specific in their description and discussion of the ORVs, their locations, interactions with other animals, plants, processes, etc. The public should understand the specifics of the ORVs in order to help monitor, follow and participate in working towards their protection and enhancement (with the exception of archeological sites). NPS should stop all activities that contribute to the disturbance and degradation of archeological sites through their construction projects). The current data and surveys of ORVs should be a part of the River Plan, and as data is collected, it should be put up on the NPS web site.

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Thank you for the opportunity to share public scoping comments on the Revised River Plan.

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Sincerely,

SavingYosemite